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6 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 JESSIE HERRERA,
15 Defendant.
16

Case No. 5:24-po-00032-CDB
[Citation #E1919483, CA71]

MOTION TO CONVERT MANDATORY
APPEARANCE TO COLLATERAL; ORDER

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18 The United States of America, by and through Phillip A. Talbert, United States Attorney, and
19 Chan Hee Chu, Assistant United States Attorney, hereby moves to convert [Citation #E1919483, CA71]
20 in Case No. 5:24-po-00032-CDB against Defendant JESSIE HERRERA in the interests of justice.

21 The citation in this case was properly issued as a mandatory appearance within the discretion of
22 the citing officer. Under the bail schedule for the Eastern District of California, driving with “no
23 evidence of current registration,” in violation of California Vehicle Code 4000(a)(1) (via 36 C.F.R. 4.2),
24 is an offense for which the bailable amount is \$200. The officer appears to have issued a mandatory
25 appearance given Defendant’s erratic driving posing a threat to the safety of other drivers.

26 Although the citation was issued properly as a mandatory citation, the United States seeks to
27 convert the citation to a collateral amount. Based on the available information, Defendant appears to
28 have taken early responsibility and learned a valuable lesson as to the alleged misconduct, having had

his vehicle impounded. Given Defendant’s age and poor health, as detailed by defense counsel, and lack of any evidence of alcohol or drug-related impairment during the commission of the instant offense, the United States believes a collateral amount of \$200 (\$30 processing fee to be also added) to be a fair outcome in the interests of justice. The parties have also agreed to a Deferred Prosecution Agreement as to the other citation in this matter. *See also James & Elizabeth Console Fam. v. United States*, No. 23-CV-652-DMS-BLM, 2023 WL 6120609, at *4 (S.D. Cal. Sept. 18, 2023) (“Prosecutorial discretion is defined as [a] prosecutor’s power to choose from the options available in a criminal case, such as filing charges, prosecuting, not prosecuting, plea-bargaining, and recommending a sentence to the court.” (internal quotation mark and citation omitted)).

The United States also requests that the payment be allowed to be made by the CVB calendar in June 2024, to allow Defendant to be able to gather the necessary resources to pay off the bailable amount.

DATED: March 29, 2024

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

By: /s/ Chan Hee Chu
CHAN HEE CHU
Assistant United States Attorney

ORDER

IT IS HEREBY ORDERED that [Citation #E1919483, CA71] in Case No. 5:24-po-00032-CDB against Defendant JESSIE HERRERA be converted to a bailable citation with collateral amount of \$200, with an additional \$30 in processing fee, to be due on June 4, 2024.

And IT IS FURTHER ORDERED that Defendant's initial appearance is continued from April 2, 2024, to June 4, 2024, at 10:00am.

IT IS SO ORDERED.

Dated: March 29, 2024


UNITED STATES MAGISTRATE JUDGE